

---

HOUSE BILL 2826

---

State of Washington                      59th Legislature                      2006 Regular Session

By Representatives Lovick, McCoy, Green, Condotta, Springer and Ericks

Read first time 01/13/2006. Referred to Committee on Judiciary.

1            AN ACT Relating to the possession of dangerous weapons on school  
2 facilities; amending RCW 9.41.280; and prescribing penalties.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4            **Sec. 1.** RCW 9.41.280 and 1999 c 167 s 1 are each amended to read  
5 as follows:

6            (1) It is unlawful for a person to carry onto, or to possess on,  
7 public or private elementary or secondary school premises, school-  
8 provided transportation, or areas of facilities while being used  
9 exclusively by public or private schools:

10            (a) Any firearm;

11            (b) ~~((Any other dangerous weapon as defined in RCW 9.41.250))~~ Any  
12 component of a firearm, including live ammunition, an ammunition  
13 magazine, or a device for suppressing the noise of any firearm;

14            (c) Any device commonly known as "nun-chu-ka sticks", consisting of  
15 two or more lengths of wood, metal, plastic, or similar substance  
16 connected with wire, rope, or other means;

17            (d) Any device, commonly known as "throwing stars", which are  
18 multi-pointed, metal objects designed to embed upon impact from any  
19 aspect; ~~((or))~~

1 (e) Any air gun, including any air pistol or air rifle, designed to  
2 propel a BB, pellet, or other projectile by the discharge of compressed  
3 air, carbon dioxide, or other gas;

4 (f) A slung shot, sling shot, sand club, billy club, metal baton,  
5 or metal knuckles;

6 (g) Any object or instrument equipped with a blade or sharp or  
7 sharpened extension that could reasonably be used for cutting, slicing,  
8 or stabbing, including but not limited to:

9 (i) Any knife, dirk, ice pick, dagger, or razor with an unguarded  
10 blade;

11 (ii) A tool or device, such as a leather punch or screwdriver,  
12 which is used as a stabbing instrument, or which is possessed or  
13 controlled with the intent to be used as a stabbing instrument;

14 (h) Any stun gun or other object, instrument, or device which, when  
15 applied to a person or animal, is designed to administer an  
16 incapacitating electric shock, charge, or impulse, including but not  
17 limited to a projectile stun gun, which projects wired probes attached  
18 to the device that emit an electrical charge;

19 (i) Any metal pipe, bar, or tool used or intended to be used as a  
20 club;

21 (j) Any explosive, firework, as defined in RCW 70.77.126, or item  
22 containing poisonous or injurious gas, liquid, or other substance; or

23 (k) Any object, implement, or instrument which has the capacity to  
24 inflict death or substantial bodily harm and from the manner in which  
25 it is used, attempted to be used, or threatened to be used is likely to  
26 produce or may easily and readily produce death or substantial bodily  
27 harm.

28 (2) Any such person violating subsection (1) of this section is  
29 guilty of a gross misdemeanor, except that any such person violating  
30 subsection (1)(a) of this section is guilty of a class C felony.

31 (a) In addition, if any person is convicted of a violation of  
32 subsection (1)(a) of this section, the person shall have his or her  
33 concealed pistol license, if any revoked for a period of three years.  
34 Anyone convicted under this subsection is prohibited from applying for  
35 a concealed pistol license for a period of three years. The court  
36 shall send notice of the revocation to the department of licensing, and  
37 the city, town, or county which issued the license.

1       **(b)** Any violation of subsection (1) of this section by elementary  
2 or secondary school students constitutes grounds for expulsion from the  
3 state's public schools in accordance with RCW 28A.600.010. Within one  
4 business day of any allegation or indication of such violation, an  
5 appropriate school authority shall promptly notify law enforcement and  
6 the student's parent or guardian regarding ~~((any))~~ the allegation or  
7 indication of such violation. Law enforcement shall forward this  
8 notification to the prosecuting attorney.

9       **(c)** A person at least eight years of age shall be arrested for a  
10 violation of subsection (1)(a) of this section.

11       **(d)** Upon the arrest of a person at least twelve years of age and  
12 not more than twenty-one years of age for violating subsection (1)(a)  
13 of this section, the person shall be detained or confined in a juvenile  
14 or adult facility for up to seventy-two hours. The person shall not be  
15 released within the seventy-two hours until after the person has been  
16 examined and evaluated by the ~~((county-))~~designated mental health  
17 professional ~~((unless the court in its discretion releases the person~~  
18 ~~sooner after a determination regarding probable cause or on probation~~  
19 ~~bond or bail))~~.

20       **(e)** Within twenty-four hours of the arrest, the arresting law  
21 enforcement agency shall refer the person to the ~~((county-))~~designated  
22 mental health professional for examination and evaluation under chapter  
23 71.05 or 71.34 RCW and inform a parent or guardian of the person of the  
24 arrest, detention, and examination. The ~~((county-))~~designated mental  
25 health professional shall examine and evaluate the person subject to  
26 the provisions of chapter 71.05 or 71.34 RCW. The examination shall  
27 occur at the facility in which the person is detained or confined. If  
28 ~~((the))~~ a person under the age of twelve has been released ~~((on~~  
29 ~~probation, bond, or bail))~~ prior to the required examination, the  
30 examination shall occur wherever is appropriate.

31       The ~~((county-))~~designated mental health professional may determine  
32 whether to refer the person to the county-designated chemical  
33 dependency specialist for examination and evaluation in accordance with  
34 chapter 70.96A RCW. The county-designated chemical dependency  
35 specialist shall examine the person subject to the provisions of  
36 chapter 70.96A RCW. The examination shall occur at the facility in  
37 which the person is detained or confined. If the person has been

1 released on probation, bond, or bail, the examination shall occur  
2 wherever is appropriate.

3 Upon completion of any examination by the ((~~county~~))designated  
4 mental health professional or the county-designated chemical dependency  
5 specialist, the results of the examination shall be sent to the court,  
6 and the court shall consider those results in making any determination  
7 about the person.

8 The ((~~county~~))designated mental health professional and county-  
9 designated chemical dependency specialist shall, to the extent  
10 permitted by law, notify a parent or guardian of the person that an  
11 examination and evaluation has taken place and the results of the  
12 examination. Nothing in this subsection prohibits the delivery of  
13 additional, appropriate mental health examinations to the person while  
14 the person is detained or confined.

15 If the ((~~county~~))designated mental health professional determines  
16 it is appropriate, the ((~~county~~))designated mental health professional  
17 may refer the person to the local regional support network for follow-  
18 up services or the department of social and health services or other  
19 community providers for other services to the family and individual.

20 (3) Subsection (1) of this section does not apply to:

21 (a) Any student or employee of a private military academy when on  
22 the property of the academy;

23 (b) Any person engaged in military, law enforcement, or school  
24 district security activities;

25 (c) Any person who is involved in a convention, showing,  
26 demonstration, lecture, or firearms safety course authorized by school  
27 authorities in which the firearms of collectors or instructors are  
28 handled or displayed;

29 (d) Any person while the person is participating in a firearms or  
30 air gun competition approved by the school or school district;

31 (e) Any person in possession of a pistol who has been issued a  
32 license under RCW 9.41.070, or is exempt from the licensing requirement  
33 by RCW 9.41.060, while picking up or dropping off a student;

34 (f) Any nonstudent at least eighteen years of age legally in  
35 possession of a firearm or ((~~dangerous~~)) other weapon as defined in  
36 subsection (1) of this section that is secured within an attended  
37 vehicle or concealed from view within a locked unattended vehicle while  
38 conducting legitimate business at the school;

1 (g) Any nonstudent at least eighteen years of age who is in lawful  
2 possession of an unloaded firearm, secured in a vehicle while  
3 conducting legitimate business at the school; (~~(e)~~)

4 (h) Any law enforcement officer of the federal, state, or local  
5 government agency;

6 (i) Any person who possesses or controls any device, object,  
7 implement, instrument, or tool for a school-approved project, exercise,  
8 or class, and which has been provided by the school specifically for  
9 the project, exercise, or class; or which the student has brought to  
10 school with the prior express verbal or written permission of a teacher  
11 or other school official for use in the school-approved project,  
12 exercise, or class;

13 (j) Any person who possesses or controls any device, object,  
14 implement, instrument, or tool for a nonschool-related activity or  
15 class authorized to be conducted on the school premises, school-  
16 provided transportation, or areas of facilities while being used  
17 exclusively by the school, and the device, object, implement,  
18 instrument, or tool has been provided specifically for the activity or  
19 class, or has been brought to the school premises with the express  
20 prior permission to be used in the approved activity or class;

21 (k) Any person in possession of tools that are secured within an  
22 attended vehicle or concealed from view within a locked unattended  
23 vehicle while conducting legitimate business at the school; or

24 (l) Any person in possession of medical equipment, devices, or  
25 paraphernalia including, but not limited to, hypodermic needles or  
26 other devices, required for the administration or injection of  
27 medications prescribed by a health professional to treat a health  
28 condition. Students in possession of such medical equipment, devices,  
29 or paraphernalia may only possess such items with the written  
30 permission of the school and a student's parent or legal guardian, or  
31 under a medication or treatment order and nursing plan to implement the  
32 order.

33 (4) Subsection(~~(s)~~) (1)(c) and (d) of this section do not apply to  
34 any person who possesses nun-chu-ka sticks, throwing stars, or other  
35 dangerous weapons to be used in martial arts classes authorized to be  
36 conducted on the school premises.

37 (5) Except as provided in subsection (3)(b), (c), (f), and (h) of

1 this section, firearms are not permitted in a public or private school  
2 building.

3 (6) "GUN-FREE ZONE" signs shall be posted around school facilities  
4 giving warning of the prohibition of the possession of firearms on  
5 school grounds.

--- END ---